

Remarks/Arguments:

Claims 1 and 3-14 are pending in the above-identified application. Claims 2 and 15 are cancelled.

Claim 14 was rejected under 35 U.S.C. § 101 because a program could not be executed without being previously stored in the system. Claim 14 was also rejected under 35 U.S.C. § 112, first paragraph because one skilled in the art would not know how to use the claimed invention. Claim 14 was further rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 14 is amended to recite, "[A] computer readable medium including a program for causing a computer to execute the steps of..."

Claims 1 and 12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite because the phrase "a predetermined recording medium, and/or the predetermined recording medium" is unclear. Claims 1 and 13 are amended to recite, "...a predetermined recording medium, and/or (b) a shock applied to the predetermined recording medium..."

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The rejection of claim 15 is moot due to the cancellation of claim 15.

Claims 1-15 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Chainer et al. The rejection of claims 2 and 15 are moot due to the cancellation of claims 2 and 15. Claim 1 is amended to include,

... a shock history data memory accumulating the created shock history data;

shock history data information external output means of outputting information on the accumulated shock history data at predetermining timing; and

place detecting means of detecting a place;

wherein the shock history data creating means **writes information on the detected place into the shock history data.** (Emphasis added).

Basis for these amendments may be found in the specification at page 10, line 21 to page 11, line 13; page 11, line 23-25; page 12, lines 9-18; page 27, lines 8-15 and Figure 1. The apparatus includes shock log data generation managing means 18 that include "a CPU (central processing unit) of performing generation and management of the shock log data at the time of occurrence of a shock on the disk portion 12 by use of information from the time information generating means 16, the position information obtaining means 17, the disk operation mode managing means 15, the shock sensor 13 and the like." (Page 11, line 2-13). As shown at Fig. 1 of the exemplary embodiment of the Applicant's invention, the apparatus may include "position information obtaining means 17 including a GPS (global positioning system) device of obtaining a pair of the latitude and longitude of the current position as position information and database holding the correspondence between the pair of the latitude and longitude and the place name." (Page 10, line 21 to page 11, line 1).

Chainer et al. only explains that the digitized signal is stored in the memory and that the other information such as date, time, track, sector and geographic location of the shock detection are also stored in the memory.

The passage relied on reads as follows:

The signal is digitized with the A/D converter 9 as shown in item 27 and the digitized signal is stored and in memory 12 as shown in item 28. In addition, the other information such as date, time, track, sector and geographic location of the shock detection are also stored in the memory 12. Also, at this time, an audible signal may be sent to the audio subsystem 19 as shown in item 31. (Column 6, lines 21-27).

Application No.: 10/510,117
Amendment Dated: February 16, 2007
Reply to Office Action of: November 22, 2006

MTS-3528US

In contrast, the present invention writes information on the detected place **into the shock history data** which the shock history data memory accumulates. (Page 27, lines 8-15).

Because Chainer et al. does not disclose or suggest the features of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(e) in view of Chainer et al. Claims 3-12 depend from claim 1. Accordingly, claims 3-12 are not subject to rejection under 35 U.S.C. § 102(e) in view of Chainer et al.

Claims 13 and 14, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claims 13 and 14 are also allowable over the art of record for reasons similar to those set forth above with regard to claim 1.

In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia

Allen Ratner, Reg. No. 19,717
Attorney for Applicant

DFD/dfd/mjc/fp

Dated: February 16, 2007

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 16, 2007

Frank Petrucco

MJC_92147